

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN LEMONS,

Plaintiff,

v.

PORT ORCHARD SHERIFF'S
DEPARTMENT, et al.,

Defendant.

Case No. CV-10-5476RBL

ORDER OF DISMISSAL

THIS MATTER is before the Court following the Magistrate Judge's Order Directing Plaintiff to Cure Deficient Complaint. For the reasons set forth below, the Court hereby DISMISSES Plaintiff's Complaint as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(i).

On July 13, 2010, Plaintiff filed a complaint asserting claims under 42 U.S.C. § 1983. Plaintiff's complaint alleged false arrest and other run-ins with law enforcement, all of which he claimed violated his constitutional rights. On August 4, the Magistrate Judge ordered Plaintiff to amend his complaint by September 3 to meet the requirements of Fed. R. Civ. P. 8(a). Plaintiff subsequently filed (1) a request for punitive and actual damages on August 24, (2) an affidavit and "incl to the amended complaint" on September 7, and (3) an affidavit on September 30. The only document filed within the allotted time for amendment was Plaintiff's request for damages, which did not include a short plain statement of his claim pursuant to Fed. R. Civ. P. 8(a).

To assert a civil rights claim under 42 U.S.C. § 1983, Plaintiff must show that Defendants were acting under color of state law and that Defendants' conduct deprived him of his constitutional rights. *Parratt v.*

1 *Taylor*, 451 U.S. 527, 535 (1981), *overruled on other grounds by Daniels v. Williams*, 474 U.S. 327 (1986).
2 The three documents filed by Plaintiff do not meet these requirements. Plaintiff's second filing does
3 explicitly state the requirements announced in *Parratt*, but does not elaborate as to how those requirements
4 are met.

5 Overall, Plaintiff's filings are nonsensical and it is not clear what Plaintiff's actual complaint is. The
6 documents filed by Plaintiff appear to be nothing more than streams of consciousness regarding many
7 different and unrelated incidents, and at least one of the alleged incidents apparently occurred in Missouri.
8 Plaintiff's final affidavit cites to a number of general legal rules, all of which are incomprehensible and none
9 of which are related to his asserted claims. The documents do not contain a statement of the Court's
10 jurisdiction or a short plain statement of the Plaintiff's claim, thereby demonstrating how he is entitled to
11 relief. In short, Plaintiff has not fulfilled the requirements of Fed. R. Civ. P. 8(a).

12 Therefore, this matter is DISMISSED before service of process as frivolous pursuant to 28 U.S.C. §
13 1915(e)(2)(i).

14 DATED this 15th day of October, 2010.

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18 RONALD B. LEIGHTON
19 UNITED STATES DISTRICT JUDGE
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